



TFW

MS PETITION
Docket No.: 2091-0245P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuo SHIOTA et al.

Application No.: 09/954,964

Confirmation No.: 9017

Filed: September 19, 2001

Art Unit: 3624

For: NETWORK PHOTOGRAPH SERVICE
SYSTEM

Examiner: D. S. Felten

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed February 13, 2006, which issued in connection with the above-identified application, this is a Petition to withdraw the holding of "abandonment status" of the present application, since the Notice of Abandonment was issued in error.

With reference to the attached Status Inquiry filed January 31, 2006, the Supervisor for this case, Mr. Millen, has confirmed that the Examiner should be mailing a new Office Action for the subject application, and that Applicants are not required to file a Reply to the Office Action dated July 15, 2005. See also the attached confirmation email from Mr. Millin dated November 4, 2005. Furthermore, Mr. Millin confirmed during a phone conversation in early March that the Notice of Abandonment was mailed in error and that a new Office Action would be forthcoming.

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume.

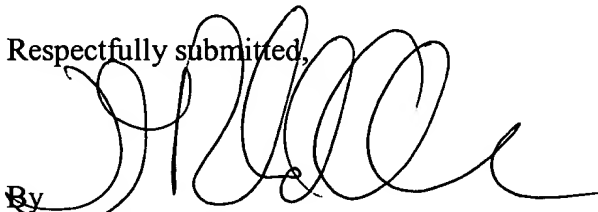
If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, D. Richard Anderson, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 10, 2006

Respectfully submitted,



By _____
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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P.O. Box 747
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(703) 205-8000
Attorney for Applicant

Attachments: As indicated



COPY

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STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

During a telephone conversation with SPE Vincent Millin on November 3, 2005, the Applicants' representative was notified that they did not need to file a reply to the Request for Information dated July 15, 2005, and that an Interview Summary would be faxed within the next week and a new Office Action would be issued. To date, Applicants' representative has not received any communication from the U.S. Patent and Trademark Office.

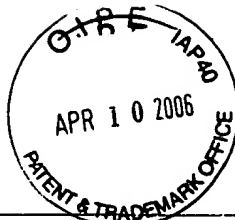
It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive an Office Action from the Patent and Trademark Office.

Dated: January 31, 2006

Respectfully submitted,

By 

D. Richard Anderson
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Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

**ANDERSON, D. Richard**

From: Millin, Vincent [Vincent.Millin@USPTO.GOV]
Sent: Friday, November 04, 2005 10:19 PM
To: ANDERSON, D. Richard
Subject: RE: US SER. No. 09/954,964
Importance: High

COPY

confirmed

-----Original Message-----

From: ANDERSON, D. Richard [mailto:DRA@bskb.com]
Sent: Friday, November 04, 2005 3:27 PM
To: Millin, Vincent
Subject: US SER. No. 09/954,964

Mr. Millin:

To memorialize our recent phone conversation, it is our understanding that the USPTO will be mailing out a new office action in place of the Rule 105 Request for Information dated July 15, 2005. Therefore, our client does not need to Reply to the July 15, 2005 Request. It is also our understanding that we will be receiving a fax within the next week or so to further confirm the status of this case.

Regards,

D. Richard Anderson
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11/6/2005